(1)

Supreme Court, U.S.
FILED

991151 DEC 13 1999

OFFICE OF THE CLERK

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Donald P. Parks - PETITIONER

VS.

United States of America et al. - RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The United States Court Of Appeals for the Eleventh Circuit

PETITION FOR WRIT OF CERTIORARI

Donald P. Parks
2325 S.W. 11th St
Boynton Beach, Florida, 33426-7404

(561) 737-1384

37pp

QUESTIONS PRESENTED

I. Amendments I to X of the Constitution (the Bill of Rights) protect the citizens from the government. Retained by the people, specifically in Amendment IX, is the fundamental right to have understandable laws* and convenient access to those laws.

II. The Preamble to the Constitution states that the purpose of the Constitution is to "promote the general Welfare...". The complex legal system now in existence does not "promote the general Welfare" but rather places the citizens in bondage to the government(s) and the legal profession in violation of Amendment XIII.

III. Citizens, when acting pro se, have a fundamental right to bring before the Courts suits to protect their Constitutional Rights. Refusal of any case based on correctable errors in court procedure constitutes a cruel and unusual punishment specifically forbidden in Amendment VIII of the Constitution.

* The "law", for purposes of this petition, is defined to include all laws, statutes, rules, regulations, ordinances, and other expressions of any elected, appointed, or hired person that are binding on any citizen of the United States; all documents and computer programs that define the meanings of these laws, statutes, rules, regulations, ordinances, and other expressions; and all documents and computer programs that define how these laws, statutes, rules, regulations, ordinances, and other expressions are to be enforced.

LIST OF PARTIES

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of the petition is as follows:

Denise Dytrych
County Attorney, Palm Beach County
P.O. Box 1989
West Palm Beach, FL. 33401

Janet Reno
U.S. Attorney General, Department of Justice
10th and Constitution Ave N.E.
Washington DC 20530

Bob Butterworth
Attorney General, State of Florida
PL 01 Capitol
Tallahassee, FL. 32399

George P. Roberts, Jr
Roberts & Reynolds, P.A.
470 Columbia Drive
Suite 101C
West Palm Beach, FL 33409

Representing:
Boynton Beach City Government and employees:
Robert Wandelt (Code and License Inspector)
Scott Blaise (Code Enforcement Unit Supervisor)
Marshall Gage (Chief of Police)
John Wildner (Superintendent, City Parks Division)
Michael J. Pawelczyk (Assistant City Attorney)
Dale Sugarman (Former Acting City Manager)

TABLE OF CONTENTS

OPINIONS BELOW.....1

JURISDICTION.....2

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....2

STATEMENT OF THE CASE.....3

PETITIONERS CHRONOLOGICAL HISTORY OF THE CASE.....6

REASONS FOR GRANTING THE PETITION.....10

PROPOSED RELIEF.....11

CONCLUSION.....12

INDEX TO APPENDICES

U S Court of Appeals for the 4th appeal No. 99-10257.....App A

U S Court of Appeals for the 3rd appeal No. 98-5464.....App B

U S Court of Appeals for the 2nd appeal No. 98-4038.....App C

U S Court of Appeals for the 1st appeal No. 97-4818.....App D

U S District Court No. 97-8227-CIV-FERGUSON.....App E

Supporting documents: petitioners chronological history of the case.....App F

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgments below.

OPINIONS BELOW

The opinion of the United States Court of Appeals for the 4th appeal No. 99-10257 appears at Appendix A to the petition and is unpublished.

The opinion of the United States Court of Appeals for the 3rd appeal No. 98-5464 appears at Appendix B to the petition and is unpublished.

The opinion of the United States Court of Appeals for the 2nd appeal No. 98-4038 appears at Appendix C to the petition and is unpublished.

The opinion of the United States Court of Appeals for the 1st appeal No. 97-4818 appears at Appendix D to the petition and is unpublished.

The opinion of the United States District Court No. 97-8227-CIV-FERGUSON appears at Appendix E to the petition and is unpublished.

JURISDICTION

The dates on which the United States District Court and the Court of Appeals decided my cases were:

Original case: No. 97-8227-CIV-FERGUSON.....April 3, 1997
First Appeal: No. 97-4818.....December 23, 1997
Second Appeal: No. 98-4038.....September 11, 1998
Third Appeal: No. 98-5464.....March 25, 1999
Forth Appeal: No. 99-10257.....November 22, 1999

The jurisdiction of this Court is invoked under 28 U.S.C @ 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Declaration of Independence, the Preamble to the Constitution and, the Constitution of the United States of America as noted in each section of this petition.

STATEMENT OF THE CASE

Reading from the Declaration of Independence the petitioner contends that:

1. The Law, because of its complexity and limited accessibility has become "destructive of these Ends", the Ends being the rights of Life, Liberty, and the Pursuit of Happiness and constitutes a "cruel and Unusual punishment"; prohibited in Amendment VIII of the Constitution;

2. The Law "evidences a Design to reduce them under absolute Despotism" and, while Amendment VI of the Constitution guarantees the "assistance of counsel", it does not authorize a system so complex that counsel is required;

3. It is his right and duty ("it is their Right, it is their Duty, to throw off such Government, and to provide new Guards for their future Security...") to bring this complaint before the Court and it is the obligation of the Court, whose officers are sworn to uphold the Constitution, to hear and rule on this complaint as provided for in Article VI of the Constitution;

Reading from the Preamble to the Constitution the petitioner contends that:

4. "provide for the common defense, promote the general welfare, and secure the blessings of liberty" includes not only a military defense but also a legal defense as provided for in Amendment IX of the Constitution;

Also, the petitioner contends that:

5. The United States, from a military point of view is among the strongest nations of the world but the legal might of its citizens has been greatly diminished because of the number of laws and the complexity of these laws that have been passed since the adoption of the Constitution;

6. The Government(s) of the United States of America provide for a standing military establishment equipped and trained to respond quickly to any emergency, domestic or foreign, but the Government(s) have neglected to provide the means for its citizens to respond QUICKLY and EXPERTLY to any legal emergency in their lives except at great personal risk and cost;

7. The Government(s) of the United States of America have invested untold billions of dollars into developing and deploying arms for its military but has not invested a significant fraction of that amount into developing and deploying a legal information system that would allow the average American citizen to compete on any equal terms with any body of government;

8. Any appeal involving a "Claim of Unconstitutionality" is unique; either because of its subject matter, the identify of the persons involved, or its place in time and must be heard by the court as provided in Amendment I.

9. The information technology is available and it is both possible and practical to create a "Department of Legal Information" whose function would be to:

- Establish a central data base containing the law,
- Set up cross indexes to all entries in the data base,
- Maintain the data base as the law changes,
- Provide free and anonymous 24 hour a day, 365 days a year high speed electronic access to the data base,
- Fund the development of programs that make access to the data base as "user friendly" as possible and place these programs in the public domain,
- Fund research projects to improve the accessibility and utility of the contents of the data base,
- Provide software that will enable any citizen to write a technically correct law suit,
- Fund the development and free distribution of simulators that allow the public to test the legality of activities.

10. It is a fundamental right under Amendment IX for American citizens to have convenient access to the law and to have that law in an understandable form.

PETITIONERS CHRONOLOGICAL HISTORY OF THE CASE

The following chronological history (Appendix F) is presented to demonstrate to the court that the petitioner has made a good faith attempt to observe the rules of the court.

I. April 1, 1997 Original case, No. 97-8227-CIV-FERGUSON, filed; labeled "Claim of Unconstitutionally"

April 3, 1997 Case dismissed

Why was the case dismissed? Probable reasons may be:

A. The case was considered a joke because it was filed on April 1.

B. Did Judge Ferguson actually read and understand the case as filed or did he just sign off on work done by a legal assistant in his office? If the case was only reviewed by a legal assistant there is a probable Conflict of Interest on the part of the legal assistant because of the subject addressed by this case.

C. If Judge Ferguson did actually read and understand the case and subsequently dismissed it why didn't he state in his dismissal order that the case involved a "Claim of Unconstitutionally".

II. May 1, 1997 First Appeal, No. 97-4818 , filed; labeled "Claim of Unconstitutionally"

The first appeal of this case was dismissed because the petitioner failed to file his Brief and Record Excerpts in time. The original case, as filed, was only 6 pages long. Judge Fergusons' dismissal order was 1 page. Because the rules for the Court of Appeals specified a maxim length for the briefs it appeared that briefs were necessary only for cases that were hundreds or thousands of pages long. Since the case had never been heard in court there was no record therefore there were no record excerpts.

The court recognizes that the filing of Briefs and Record Excerpts is a very complicated matter. On page 89 of the **FEDERAL RULES OF APPELLATE PROCEDURE** *with* ELEVENTH CIRCUIT RULES *and* **INTERNAL OPERATING PROCEDURES** we read:

> *c. Sample Briefs and Record Excerpts - Upon request, the clerk's office will loan to counsel sample briefs and record excerpts which comply with the prescribed form.*

Here we see that "counsel", supposedly persons trained in the legal profession, can receive help from the court in the form of sample briefs and record excerpts. There is NO help offered for the citizen who is filing pro se. Amendment XIV of the Constitution provides for "equal protection of the laws".

When notified that the brief and record excerpts were necessary the petitioner made a good faith attempt to provide them as follows:

June 24, 1997 Memo from 11th Circuit Court of Appeals
Certificate of Readiness of Record on Appeal

July 29, 1997 Memo from 11th Circuit Court of Appeals
Record complete. Notice of 40 days to file brief and record excerpts.

September 25, 1997 Memo from 11th Circuit Court of Appeals
Notice that I must file brief, record excerpts, and motions to file out of time.

October 7, 1997 Memo from 11th Circuit Court of Appeals
Notice that I must file a brief on or before October 14, 1997.

October 12, 1997 Response to letter of 10-7-1997.
It was petitioners position that the text of the appeal should have been sufficient.

October 13, 1997 Brief sent to11th Circuit Court of Appeals

October 16, 1997 Memo from 11th Circuit Court of Appeals
Record excerpts, and motions for leave to file record excerpts and brief out of time required.

October 16, 1997 Memo from 11th Circuit Court of Appeals
Brief conditionally filed, needed proof of service.

October 28, 1997 Letter from 11th Circuit Court of Appeals
(Received by me Saturday, November 1, 1997).

November 3, 1997 Telephone call to 11th Circuit Court of Appeals for additional information about record excerpts.

November 4, 1997 Record excerpts and petition to file out of time sent to 11th Circuit Court of Appeals.

November 12, 1997 Letter from 11th Circuit Court of Appeals
Problem with record excerpts. Note: letter indicated that I had an additional 14 days to file corrected record excerpts.

November 13, 1997 Telephone call to 11th Circuit Court of Appeals
Request further information about problems with record excerpts.

November 17, 1997 Sent revised record excerpts to 11th Circuit Court of Appeals.

December 23, 1997 Orders from 11th Circuit Court of Appeals
Motion to file out of time denied, Case dismissed.

December 31, 1997 Second Appeal No. 98-4038 filed.

September 11, 1998 Order for 11th Circuit Court of Appeals
Appeal dismissed, lack of jurisdiction.

September 22, 1998 Third Appeal No. 98-5464 filed.
Requested hearing before full court.

March 25, 1999 Third Appeal dismissed

April 1, 1999 Forth Appeal filed
Requested hearing before full court

November 22, 1999 Forth Appeal dismissed

December 10, 1999 This appeal prepared.

REASONS FOR GRANTING THE PETITION

Therefore, the petitioner sets forth the following reasons for granting the petition:

I. Every case that comes before the court(s) claiming a Constitutional issue is unique; either because of its subject matter, the identify of the persons involved, or its place in time. It must follow that every Constitutional claim must be heard by the court(s). It must also follow that if the court(s) refuse to hear any Constitutional claim for any reason then the reason put forth by the judge(s) of the court sets the Constitution at naught.

II. Because NONE of the previous orders and appeals dismissing this case stated that a "Claim of Unconstitutionally" was involved they are void and that all rules regarding time limits of filing are suspended in this case.

III. The most fundamental right of any citizen who is charged with the obedience of the law is for the law to be understandable and be readily available. As the number of laws is multiplied and as the number of court cases that interpret these laws is multiplied there must be a counter balance to multiply the citizens understanding and access to the law. Measures that were adequate two hundred years ago when there were relatively few laws are no longer adequate. Electronic technology now exists, and has existed for over twenty five years, that can bridge this gap. The court should recognize this fundamental right guaranteed by the IX Amendment of the Constitution.

PROPOSED RELIEF

Since neither the District Court nor the Eleventh Circuit Court of Appeals have heard this case the petitioner does hereby appeal to this Court to:

I. Hear and make a ruling on the Constitutional issues involved.

II. Issue a Summary Judgment that the Government(s) named in this suit have failed to provide a suitable legal defense for the citizens of the United States and that the Government(s), either individually or jointly, will immediately fund the development of a system as described in STATEMENT OF THE CASE paragraph 9 .

III. Allow all issues not settled in the preceding paragraph II of this section to be heard by a lower district court.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

/s Donald P. Parks
December 9, 1999

Donald P. Parks
January 5, 2000

App. A

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 99-10257

DONALD P. PARKS

Plaintiff-Appellant,

versus

UNITED STATES OF AMERICA,
STATE OF FLORIDA, et al.,

Defendants-Appellees.
(Filed Nov. 22, 1999)

Appeal from the United States District Court
for the Southern District of Florida

Before COX and WILSON, Circuit Judges, and FAY, Senior Circuit Judge.

BY THE COURT:

This appeal is DISMISSED for lack of jurisdiction. The appellant's forth notice of appeal, filed April 1, 1999, was untimely because it was filed more then 60 days after the entry of the April 9, 1997 order he appeals. See Fed.R.App.P 4(a)(1)(B); Jestet v. United States, 714 F.2d 97, 98 (11th Cir. 1983). We note, for the second time, that the appellant may not seek reinstatement of his earlier appeal, No. 97-4818, by filing successive notices of appeal in the district court. The district court does not have jurisdiction over such a request.

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 98-5464

DONALD P. PARKS

Plaintiff-Appellant,

versus

UNITED STATES OF AMERICA,
STATE OF FLORIDA, et al.,

Defendants-Appellees.
(Filed Mar. 25, 1999)

Appeal from the United States District Court
for the Southern District of Florida

Before CARNES, BARKETT and HULL, Circuit Judges.

BY THE COURT:

This appeal is DISMISSED for lack of jurisdiction. Appellant's notice of appeal, filed September 22, 1998, was untimely because it was not filed within 60 days of April 9, 1997, the date of entry of the order he appeals. See Fed.R.App.P. 4(a)(1); Sanders v. United States, 113 F.3d 184, 186 n.1 (11thCir. 1997). We note that Appellant's September 22, 1998 notice was the third notice of appeal he has filed in this matter. His first notice was timely filed, but the Clerk of this Court dismissed the appeal for want of prosecution on December 23, 1997. (case number 97-4818). It is manifest that by filling a third notice of appeal in the district court, Appellant

sought reinstatement of his earlier appeal, case number 97-4818. Appellant may not obtain his desired relief by filing successive notices of appeal in the district court. The power to reinstate an appeal previously dismissed for failure to prosecute lies with the Court of Appeals, not the district court. Thus, to the extent that relief remains available to Appellant, he may attempt to obtain relief by filing a motion to reinstate his prior appeal with the Clerk of this court, pursuant to Eleventh Circuit Local Rule 27-1(c)(11).

App. C

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 98-4038

DONALD P. PARKS

Plaintiff-Appellant,

versus

UNITED STATES OF AMERICA,
STATE OF FLORIDA, et al.,

Defendants-Appellees.
(Filed Sept. 11, 1998)

Appeal from the United States District Court
for the Southern District of Florida

Before ANDERSON, EDMONDSON and DUBINA, Circuit Judges.

BY THE COURT:

This appeal is DISMISSED for lack of jurisdiction. Appellant's notice ofappeal, filed more then sixty (60) days after the entry of the April 9, 1997, order, was untimely. See Fed.R.App.P.4(a)(1), 26(a); Jester v. United States, 14 F.2d 97, 98 (11th Cir. 1983).

App. D 1

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 97-4818

DONALD P. PARKS

Plaintiff-Appellant,

versus

UNITED STATES OF AMERICA;
STATE OF FLORIDA; PALM BEACH;
ROBERT WANDELT, Code and
License Inspector, et al.,

Defendants-Appellees.
(Filed Dec. 23, 1997)

On Appeal from the United States District Court for the
Southern District of Florida

ORDER:

Motion of the Appellant to file his brief and record excerpts out of time isdenied.

s/_____.
Chief Judge

App. D 2

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 97-4818

DONALD P. PARKS

Plaintiff-Appellant,

versus

UNITED STATES OF AMERICA;
STATE OF FLORIDA; PALM BEACH;
ROBERT WANDELT, Code and License Inspector, et al.,

Defendants-Appellees.
(Filed Dec. 23, 1997)

On Appeal from the United States District Court for the
Southern District of Florida

ENTRY OF DISMISSAL

Pursuant to 11th Cir.R. 42-1(b), this appeal is hereby dismissed for want of prosecution because the appellant has failed to file its timely appellant's brief and record excerpts within the time fixed by the rules, effective this 23rd day of December, 1997.

THOMAS K. KAHN
Clerk of the United States Court
of Appeals for the Eleventh Circuit
By: /s/ Ola Solomon
Deputy Clerk
FOR THE COURT - BY DIRECTION
ORD-40 5/91

App. E

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 97-8227-CIV-FERGUSON

DONALD P. PARKS

Plaintiff-Appellant,

versus

UNITED STATES GOVERNMENT, et al.,
Defendant.

(Filed April 4, 1997)

_____/

THIS CAUSE is before the Court sua sponte. Review of the file indicates that the complaint filed in this case fails to state a cause of action upon which relief can be granted. Fed. R. Civ. P. 12(b)(6). Accordingly, it is

ORDERED AND ADJUDGES that this case is DISMISSED without prejudice.

DONE AND ORDERED in Chambers at Miami, Florida, this 3rd day of April, 1997.

/s Wilkie D. Ferguson, Jr.
UNITED STATES DISTRICT JUDGE

copies provided:
Council of record

UNITED STATES DISTRICT COURT
Southern District of Florida
299 East Broward Boulevard
Fort Lauderdale, FL 33301
954-356-7075

CLERK, U.S. COURT OF APPEALS Date: June 24, 1997
Eleventh Judicial Circuit USDC # 97-8227-CV-WDF
56 Forsyth Street USCA # 97-4818
Atlanta, Georgia 30303

IN RE: Parks v. USA Filed: June 28, 1997

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Certificate of Readiness of Record On Appeal

Pursuant to Fed.R.App.P. 11(c), the Clerk of the District Court for the Southern District of Florida hereby certifies that, as shown on the enclosed index, the record is complete for purposes of this appeal. The record (including the transcripts or parts thereof designated for inclusion and all necessary exhibits) consists of:

1 Volume of Pleadings

Sincerely,
Carlos Juenke, Court Administrator/Clerk

By: /s _____
Deputy Clerk

Please Acknowledge Receipt of Certificate of Readiness.
/s _____
Signature

App. F 2

UNITED STATES COURT OF APPEALS
Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

July 29, 1997

MEMORANDUM TO COUNSEL OR PARTIES:

RE: 97-4818 Parks v. USA
DC DKT NO.: 97-08227 CV-WDF

Pursuant to Fed.R.App.P. 12(c), be advised that the record is complete for purposes of appeal. APPELLANT'S BRIEF AND RECORD EXCERPTS ARE DUE WITHIN FORTY (40) DAYS FROM THIS DATE. In cross-appeals, the party who first files a notice of appeal is deemed the appellant unless the parties otherwise agree. See Fed.R. App.P. 28, 30, 31, and 32, and the corresponding circuit rules for further information on preparing briefs and record excerpts.

The Court has directed that pursuant to Fed.R.App.P 11(c) the record on appeal be assembled, indexed, and retained in the office of the district court clerk for use by counsel or parties in preparing appellant papers. Enclosed is an indexed copy of certified district court docket entries which shows court papers certified to this court as the record. Counsel of parties are requested to use this docket sheet and their own file copies of the court papers in preparing the brief and record excerpts. Counsel or parties may also review the record at the office of the district court clerk. Upon application to this court identifying the specific volumes requested, court reporter's transcripts of district court proceedings contained in the record may be released to counsel or parties. Please refer to the enclosed sheet for information on referencing the record.

Counsel or parties are urged to review these entries promptly. If the record is incomplete for purposes of appeal you should within fourteen (14) days request the district court to supplement the record [See Fed.R.App.P. 10(e)], and notify us that you have done so. (Please note that such a request does not itself interrupt or extend the briefing schedule established above). Upon notice that the appellee(s) brief(s) has (have) been filed, the record will be promptly sent to this office by the district court clerk. Accordingly, counsel or parties should ensure prior to that time that they have in their files copies of any court papers filed in the district court which they may need for appellate purposes.

Sincerely,

/s Miguel J. Cortez

Clerk

Reply To: Ola Solomon (404) 331-3836

Encl. Br-2

(6-97)

App. F 4

UNITED STATES COURT OF APPEALS
Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

September 25, 1997

Donald P. Parks
2325 SW 11th St.
Boynton Beach, FL 33426-7404

RE: 97-4818 Parks v. USA
DC DKT NO.: 97-08227 CV-WDF

Pursuant to Eleventh Circuit Rule 42-1(b) you are hereby notified that upon expiration of fourteen (14) days from this date, this appeal will be dismissed by the clerk without further notice unless the default(s) noted below have been corrected:

* File appellant's brief, together with a motion to file the brief out of time.

* File record excerpts as required by 11th Cir. R. 30-1, together with a motion to file the record excerpts out of time.

11th Cir. R. 42-1(b) also provides the "If an appellant isrepresented by appointed counsel, the clerk may refer the matter to the court for possible disciplinary action against counsel in lieu of dismissal."

Sincerely,
/s Miguel J. Cortez
Clerk

Reply To: Ola Solomon (404) 331-3836
c: District Court Clerk DIS-1 (3/94)

App. F 5

UNITED STATES COURT OF APPEALS
Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

October 7, 1997

Donald P. Parks
2325 SW 11th St.
Boynton Beach, FL 33426-7404

RE: 97-4818 Parks v. USA
DC DKT NO.: 97-08227 CV-WDF

This is to acknowledge receipt of your letter in which you state that no additional documents are required.

Sincerely,
/s Miguel J. Cortez
Clerk

Reply To: Ola Solomon (404) 331-3836

Pursuant to 11th Circuit rules, once the record on appeal is complete in he district court. Appellant should file a brief with the 11th Circuit. Therefore, pursuant to my letters of July 29, 1997 and September 25, 1997, failure to file a brief on or before October 14, 1997, your appeal will be DISMISSED. (See rules attached)

PRO-1 (1/92)

2325 S.W. 11th St.
Boynton Beach
FL 33426-7404
(561) 737-1384

October 12, 1997

Ola Solomon
Clerks Office
United States Court of Appeals
Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, GA 30303

RE: 97-4818 Parks v. USA
DC DKT No.: 97-08227 CV-WDF

This case involves matters of the Constitution rights of the plaintiff and of most Americans. The appeal before you stated the Constitutional and other issues that the plaintiff is appealing to the court for resolution. Therefore, no other brief was filed nor does it seem reasonable, in this case, to require any additional documents. Also, according to your letter of July 29, 1997 it appears that the record has already been assembled which would indicate that no record excerpts are required.

Please continue to keep me informed about the progress of this case.

Thank You,

/s Donald P. Parks

App. F 7

2325 S.W. 11th St.
Boynton Beach
FL 33426-7404
(561) 737-1384

October 13, 1997

Ola Solomon
Clerks Office
United States Court of Appeals
Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, GA 30303

RE: 97-4818 Parks v. USA
DC DKT No.: 97-08227 CV-WDF

RE: Your letter of October 7, 1997

Enclosed are five copies of the brief that you stated that I should file by October 14, 1997.

Please continue to keep me informed about the progress of this case.

Thank You,

/s Donald P. Parks

App. F 8

UNITED STATES COURT OF APPEALS
Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

October 16, 1997

Donald P. Parks
2325 SW 11th St.
Boynton Beach, FL 33426-7404

RE: 97-4818 Parks v. USA
DC DKT NO.: 97-08227 CV-WDF

Pursuant to Eleventh Circuit Rule 42-1(b) you are hereby notified that upon expiration of fourteen (14) days from this date, this appeal will be dismissed by the clerk without further notice unless the default(s) noted below have been corrected:

* File record excerpts as required by 11th Cir. R. 30-1, together with a motion to file the record excerpts out of time.

* File MOTION for leave of the Court to file appellant's brief out of time.

11th Cir. R. 42-1(b) also provides the "If an appellant is represented by appointed counsel, the clerk may refer the matter to the court for possible disciplinary action against counsel in lieu of dismissal."

Sincerely,
/s Miguel J. Cortez
Clerk
Reply To: Ola Solomon (404) 331-3836

c: District Court Clerk DIS-1 (3/94)

App. F 9

UNITED STATES COURT OF APPEALS
Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

October 16, 1997

Donald P. Parks
2325 SW 11th St.
Boynton Beach, FL 33426-7404

RE: 97-4818 Parks v. USA
DC DKT NO.: 97-08227 CV-WDF

The brief filed by you in this appeal does not contain Proof of Service as required by Fed.R.App.P. 25(d).

Your brief will be conditionally filed, subject to receipt of seven (7) copies of a correct Proof of Service within fourteen (14) days. If you fail to file a corrected Proof of Service in compliance with Fed.R.App.P. 25(d) within that time the brief will be returned unfiled for failure to comply with the Rules. For appellants, this may result in dismissal of the appeal pursuant to 11th Cir. R. 42-1(b), while appellees would not be heard at oral argument, except by permission of the Court pursuant to Fed.R.App.P. 31(c).

Sincerely,
/s Miguel J. Cortez
Clerk
Reply To: Ola Solomon (404) 331-3836

Your brief is being held unfiled; also, please serve copies of the brief on the appellees.

BR-8B (6/96)

App. F 10

UNITED STATES COURT OF APPEALS
Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

October 28, 1997

Dawn Bowen
U.S. Attorney's Office - So. Dist. of FL
99 N.E. 4th Street
Miami, FL 33132

RE: 97-4818 Parks v. USA
DC DKT NO.: 97-08227 CV-WDF

Enclosed is a copy of appellant's brief.

Sincerely,
/s Thomas K. Kahn
Clerk

Reply To: Ola Solomon (404) 331-3836

Attention Mr. Parks: if the record excerpts are not filed by 11/3/97, the appeal will be dismissed.

2325 S.W. 11th St.
Boynton Beach
FL 33426-7404
(561) 737-1384

November 4, 1997

Ola Solomon
Clerks Office
United States Court of Appeals
Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, GA 30303
(404) 331-3836

RE: 97-4818 Parks v. USA
DC DKT No.: 97-08227 CV-WDF

RE: Your letter of October 28, 1997 (my need to file record excerpts).
RE: My telephone call to you of November 3, 1997.

Enclosed are five copies of the record excerpts that you stated in your letter that I need to file. Also, Enclosed is a petition to the Court for permission to file these documents late.

I am sending a copy the petition and of this letter to notify the listed parties of my action to allow them to comment if they so desire.

Please continue to keep me informed about the progress of this case.

Thank You,

/s Donald P. Parks

App F 12

UNITED STATES CIRCUIT COURT OF APPEALS
ELEVENTH CIRCUIT

DKT NO: 97-4818
DIST. CT. NO: 97-08227 CV-WDF

"Claim of Unconstitutionality"

MOTION to file the brief and record excerpts out of time.

Appellant Donald P. Parks
vs.
UNITED STATES GOVERNMENT, et al.,

The appellant is a private citizen with no formal legal training. Examination of the correspondence file of letters exchanged between the appellant and the Clerk's office will show that the appellant has been making a good faith effort to comply to the rules of the Court.

Therefore:

The appellant does hereby petition the Court to allow this brief and record excerpts to be filed past the normal allocated time.

/s Donald P. Parks
November 4, 1997

Donald P. Parks
2325 S.W. 11th St
Boynton Beach
FL 33426-7404
(561) 737-1384

App F_13

UNITED STATES COURT OF APPEALS
Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

November 12, 1997

Donald P. Parks
2325 SW 11th St.
Boynton Beach, FL 33426-7404

RE: 97-4818 Parks v. USA
DC DKT NO.: 97-08227 CV-WDF

The record excerpts filed by you in the referenced appeal are deficient because they do not include the following items from the record as required by 11th Cir. R. 30-1:

* Index and/or indexing tabs
* Docket sheet of court from which case originated

One copy of your record excerpts has been filed, subject to receipt of five (5) copies of corrected record excerpts within FOURTEEN (14) DAYS from this date. If you fail to timely file corrected record excerpts the Court will determine whether these record excerpts should be stricken for failure to comply with the Rules. This may result in dismissal of this appeal pursuant to 11th Cir. R. 42-1(b).

Sincerely,
/s Thomas K. kahn
Clerk

Reply To: Ola Solomon (404) 331-3836

Insert a certificate of service and bound across the top with WHITE durable covers on the front and back.

Encl.

EXC-1 (12/94)

2325 SW 11th St.
Boynton Beach
FL 33426-7404
(561) 737-1384

November 17, 1997

Ola Solomon
Clerks Office
United States Court of Appeals
Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, GA 30303
(404) 331-3836

RE: 97-4818 Parks v. USA
DC DKT No.: 97-08227 CV-WDF

RE: Your letter of November 12, 1997 (revised record excerpts).
RE: My telephone call to you of November 13, 1997.

Enclosed are five copies of the record excerpts, revised as per your letter of November 12, 1997.

Please continue to keep me informed about the progress of this case.

Thank You,

/s Donald P. Parks